

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE JOINT)	
APPLICATION OF QWEST CORPORATION)	CASE NO. QWE-T-04-28
AND RCC HOLDINGS, INC. FOR APPROVAL)	
OF THE ADOPTION OF THE T-MOBILE USA)	
INC. fka VOICESTREAM WIRELESS)	
CORPORATION INTERCONNECTION)	
AGREEMENT FOR THE STATE OF IDAHO)	ORDER NO. 29641
<u>PURSUANT TO 47 U.S.C. §252(e)</u>)	

In this case the Commission is asked to approve the adoption of an existing interconnection agreement.

BACKGROUND

Under the provisions of the federal Telecommunications Act of 1996, interconnection agreements must be submitted to the Commission for approval. 47 U.S.C. § 252(e)(1). The Commission may reject an agreement adopted by negotiations only if it finds that the agreement: (1) discriminates against a telecommunications carrier not a party to the agreement; or (2) implementation of the agreement is not consistent with the public interest, convenience and necessity. 47 U.S.C. § 252(e)(2)(A). As the Commission noted in Order No. 28427, companies voluntarily entering into interconnection agreements “may negotiate terms, prices and conditions that do not comply with either the FCC rules or with the provision of Section 251(b) or (c).” Order No. 28427 at 11 (emphasis in original). This comports with the FCC’s statement that “a state commission shall have authority to approve an interconnection agreement adopted by negotiation even if the terms of the agreement do not comply with the requirements of [Part 51].” 47 C.F.R. § 51.3.

THE CURRENT APPLICATION

Qwest and RCC Holdings, Inc. filed a Joint Application on October 27, 2004, seeking approval to adopt the T-Mobile USA, Inc. fka VoiceStream Wireless Corporation, interconnection agreement which was approved by the Commission by Order No. 29595.

STAFF RECOMMENDATION

The Staff has reviewed the Application and did not find any terms or conditions to be discriminatory or contrary to the public interest. Staff believes that this Agreement is consistent with the pro-competitive policies of this Commission, the Idaho Legislature, and the federal

Telecommunications Act of 1996. Accordingly, Staff believes that this Agreement merits the Commission's approval.

COMMISSION DECISION

Under the terms of the Telecommunications Act, interconnection agreements must be submitted to the Commission for approval. 47 U.S.C. § 252(e)(1). The Commission's review is limited, however. The Commission may reject an agreement adopted by negotiation only if it finds that the agreement discriminates against a telecommunications carrier not a party to the agreement or implementation of the agreement is not consistent with the public interest, convenience and necessity. *Id.* Based upon our review of the Application and the Staff's recommendation, the Commission finds that the agreement is consistent with the public interest, convenience and necessity and does not discriminate. Therefore, the Commission finds that the agreement should be approved. However, approval of this agreement does not negate the responsibility of the parties to this agreement to obtain a Certificate of Public Convenience and Necessity if they are offering local exchange services or to comply with *Idaho Code* §§ 62-604 and 62-606 if they are providing other non-basic local telecommunications services as defined by *Idaho Code* § 62-603.

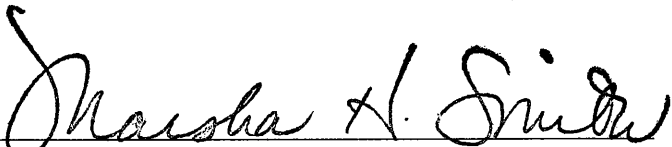
ORDER

IT IS HEREBY ORDERED that the agreement of Qwest Corporation and RCC Holdings, Inc. to adopt the T-Mobile USA Inc. interconnection agreement, Case No. QWE-T-04-28, is approved.

THIS IS A FINAL ORDER. Any person interested in this Order (or in issues finally decided by this Order) may petition for reconsideration within twenty-one (21) days of the service date of this Order. Within seven (7) days after any person has petitioned for reconsideration, any other person may cross-petition for reconsideration. See *Idaho Code* §§ 61-626 and 62-619.

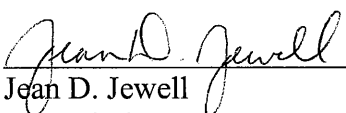
DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 23rd
day of November 2004.


PAUL KJELLANDER, PRESIDENT


MARSHA H. SMITH, COMMISSIONER


DENNIS S. HANSEN, COMMISSIONER

ATTEST:


Jean D. Jewell
Commission Secretary

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